

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAFECAST LIMITED, :
Plaintiff(s), : 23 Civ. 5466 (LGS)
:
-against- : ORDER
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:
MICROSOFT CORPORATION, :
Defendant(s), :
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LORNA G. SCHOFIELD, District Judge:

This case has been assigned to me for all purposes and appears to be governed by the SDNY Local Patent Rules (the “SDNY Rules”) (http://www.nysd.uscourts.gov/rules/Standing_Order_In_re_Local_Patent_Rules.pdf). Counsel are further required to review and comply with the Court’s Individual Rules and Procedures (“Individual Rules”) (available at the Court’s website, <http://nysd.uscourts.gov/judge/Schofield>). All parties are required to register promptly as filing users on ECF.

IT IS ORDERED that the parties shall appear for a telephonic initial pretrial conference. All pretrial conferences must be attended by the attorney who will serve as principal counsel. At the conference, in addition to discussing the matters below, the Court would appreciate counsel’s thoughts on how to improve this Order and other matters relating to the judicial management of patent cases.

IT IS FURTHER ORDERED that counsel shall confer with each other prior to the conference regarding settlement and each of the other subjects to be considered at a Fed. R. Civ. P. 16 conference.

IT IS FURTHER ORDERED that the parties shall file a joint letter on ECF by **July 7, 2023**, providing the following information in separate paragraphs:

- (1) A brief statement of the nature of the case, the principal claims and defenses, and the major legal and factual issues that are most important to resolving the case, whether by trial, settlement or dispositive motion;
- (2) A brief statement by plaintiff as to the basis of subject matter jurisdiction and venue, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction and venue. Statements shall include citations to relevant statutes;

- (3) A brief description of any (i) motions that any party seeks or intends to file, including the principal legal and other grounds in support of and opposition to the motion, (ii) any pending motions filed prior to transfer to this District and (iii) other applications that are expected to be made at the status conference;
- (4) A brief description of any discovery that has already taken place, and the discovery that is contemplated, including whether significant e-discovery is contemplated; if so, the parties' discussions or agreements regarding an e-discovery protocol; and whether foreign discovery is contemplated.
- (5) A brief description of any anticipated actions by either party that would significantly affect or delay this case;
- (6) A statement of how the parties intend to instruct the Court as to the relevant technology;
- (7) A computation of damages claimed, *see* Fed. R. Civ. P. 26(a)(1)(A)(iii);
- (8) A statement describing the status of any settlement discussions and whether the parties would request a referral for a settlement conference; and
- (9) Any other information that the parties believe may assist this Court in resolving the action.

IT IS FURTHER ORDERED that the parties shall file with their joint letter a Joint Proposed Patent Civil Case Management Plan and Scheduling Order that incorporates, to the extent applicable, the provisions found in the Court's model Patent Case Management Plan and Scheduling Order found at <http://www.nysd.uscourts.gov/judge/Schofield>. The proposed order shall include dates for the orderly simultaneous progress of any non-patent claims alleged in the Complaint. All dates that can be calculated must appear in the proposed order. Instructions may be incorporated by reference. The parties **must** propose dates for the various deadlines even if they intend to request a stay of discovery:

If this case has been settled or otherwise terminated, counsel are not required to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is sent prior to the date of the conference via email to the Orders and Judgment Clerk at the following email address: orders_and_judgments@nysd.uscourts.gov.

Any request for an extension or adjournment shall be made only by letter motion as provided in Individual Rule I.B.2 and must be received at least 48 hours before the deadline or conference. Unless counsel are notified that the conference has been adjourned, it will be held as scheduled.

Counsel who have noticed an appearance as of the issuance of this order are directed (i) to notify all other parties' attorneys in this action by serving upon each of them a copy of this order and the Court's Individual Rules forthwith, and (ii) to file proof of such notice

with the Court. If unaware of the identity of counsel for any of the parties, counsel receiving this order must send a copy of this order and Individual Rules to that party personally.

DATE AND PLACE OF CONFERENCE: **July 19, 2023 at 4:10 P.M.** The parties shall call (888) 363 – 4749 and enter the access code 558-3333. The telephonic conference is public and the time of the conference is approximate, but the parties shall be ready to proceed by that time. Please monitor the docket the day before the conference, as the time may change slightly.

Dated: June 28, 2023
New York, New York



LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE